

REMARKS

I. INTRODUCTION

Claims 238-301 have been cancelled above, without prejudice. In addition, claims 303 and 304 have been amended above to remove minor informalities therefrom, but not for any reasons relating to patentability thereof. Accordingly, claims 103-327 and 302-306 are now under consideration in the present application. No new matter has been added.

II. RESTRICTION REQUIREMENT

In the Office Action, the Examiner alleges that certain groups of claims of above-identified application are not so linked so as to form a single inventive concept under PCT Rule 13.1, as allegedly encompassing more than one species of the generic invention. For such reason, the Examiner requires Applicants to elect one of the following alleged species:

- a. An optical imaging system where the second radiation is received from a reference (Claims 103-236 and 302-306).
- b. An optical imaging system where a relative phase difference is determined (Claim 237).
- c. An optical imaging system having a transimpedance amplifier (Claim 238).
- d. An optical imaging system having a band pass filter (Claim 239).
- e. An optical imaging system having a radiation source with a temporal coherence of less than 10 mm (Claim 240).
- f. An optical imaging system being balanced to reduce noise (Claim 241).

- g. An optical imaging system where the system reconstructs longitudinal information (Claim 242).
- h. An optical imaging system having a phase modular or a demodulator (Claim 243).
- i. An optical imaging system having autoranging arrangement (Claims 244-245).
- j. An optical imaging system having a motionless nonmechanical arrangement (Claims 246-247).
- k. An optical imaging system having a two-dimensional array (Claim 248).
- l. An optical imaging system having a polarization separating unit (Claim 249).
- m. An optical imaging system having a spectral separating comprising at least one of (i) an addressable mirror array, (ii) a linear array of optical filters, (iii) a waveguide filter, (iv) waveguide gratings (Claim 250).
- n. An optical imaging system where the spectra has a comb-like structure (Claim 251).
- o. An optical imaging system where a processing unit reconstructs the signal by a mathematical manipulation (Claim 252).
- p. An optical imaging system where an arrangement generates a pathlength difference (Claims 254-263).
- q. An optical imaging system having an apparatus for controlling a phase (Claims 264-288).
- r. An optical imaging system wherein the samples is scanned in a series of simultaneous illuminations of substantially all of the area of the sample (Claim 289).
- s. An optical imaging system wherein more than one section of the sample is irradiated simultaneously (Claims 290-293).
- t. An optical imaging system having an apparatus for tracking a phase wherein the signal is within a distance from the peak (Claims 253, 294-298).

- u. An optical imaging system having an apparatus for tracking a phase wherein the signal is mixed and generating an offset (Claims 299-302).

Applicants hereby respectfully traverse the restriction requirement set forth in the Restriction Requirement of the Office Action with respect to claims 103-236 (Group a) and claim 237 (Group b), but provisionally elect Group (a), i.e., claims 103-236 and 302-306. In addition, Applicants do not agree with the description of the various groups of claims as contained in the Restriction Requirement.

Indeed, according to the Manual Patent Examining Procedure, “[a] group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves *at least one common or corresponding special technical feature*.” M.P.E.P. 1893.03(d), *emphasis added*. Clearly, independent claim 103 of Group (a) relates to an apparatus and independent claim 237 of Group (b) relates to a method recite at least one such common or corresponding special technical feature.

Specifically, independent claims 103 and 237 relate to apparatus and method, respectively, which recite the use of first and second electromagnetic radiations. Each of these claims explicitly recites that that **the first and second electro-magnetic radiations interfere with one another, and that frequency components of the first and second electro-magnetic radiations interfere with one another**. Thus, it is clear that independent claims 103 and 237 in Groups (a) and (b), respectively, have *at least one common or corresponding special technical feature*, as directed by M.P.E.P. 1893.03(d),

since the above-described claimed features which are recited in either identically or substantially similar manner. Thus, it is respectfully asserted that claims 103-236 and 302-306 and claims 237 should be placed in a single group of claims as being so linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature.

In addition, the non-elected claims 238-301 have been cancelled above, and Applicants reserve the right to pursue patentability of these and/or other claims in any continuing application claiming priority from the above-identified application, and any application for which this application claims priority.

III. CONCLUSION

Therefore, for at least these reasons, the Examiner is respectfully requested to withdraw the Restriction Requirement contained in the Office Action, at least with respect to claims 103-236 and 302-306 and claim 237. Upon such withdrawal by the Examiner, Applicant would thereby elect claims 103-237 and 302-306 to be prosecuted on their merits in the present application.

Respectfully submitted,

Date: October 17, 2006

By: 

Gary Abelev
Patent Office Reg. No. 40,479

DORSEY & WHITNEY, L.L.P.
250 Park Avenue
New York, New York 10177

Attorney(s) for Applicant(s)
(212) 415-9371

4831-8121-5489\2